

CRIMINAL INVESTIGATION

APACHE COUNTY SHERIFF'S OFFICE

AGGRAVATED ASSAULT ON A PEACE OFFICER



DR#2001 - 070756

SPECIAL INVESTIGATIONS UNIT

DETECTIVE

KEVIN WOOD #2613

COMPILED BY THE  
ARIZONA DEPARTMENT OF PUBLIC SAFETY  
2102 WEST ENCANTO BOULEVARD  
PHOENIX, ARIZONA 85009





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Kevin Wood	2613	32030100	04/04/02	Lieutenant Tim Chung #4609

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**ARIZONA DEPARTMENT OF PUBLIC SAFETY VI.**

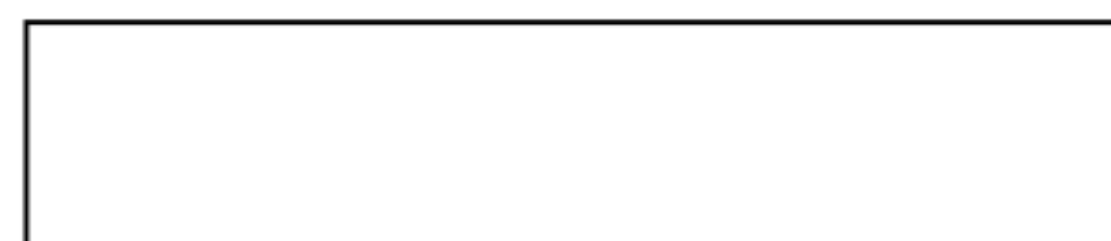
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**ARIZONA DEPARTMENT OF PUBLIC SAFETY**  
**I. SYNOPSIS**

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On November 6, 2001 at approximately 0005 hours, the Apache County Sheriff's Office (ACSO), Special Response Team (SRT), was involved in an "Officer Involved Shooting." The suspect, William Milton Cooper, critically wounded an ACSO deputy and was mortally wounded by another sheriff's deputy.

In the summer of 2001, the Chief of the Eagar Police Department (EPD) contacted the ACSO and asked for assistance developing a plan to arrest Cooper, an Eagar, Arizona, resident. The EPD advised Cooper was wanted on federal tax charges from 1998 as well as felony aggravated assault and felony endangerment charges in Apache County. The felony charges in Apache County were a result of an incident that occurred July 11, 2001.

The ACSO contacted the Maricopa County Special Weapons and Tactics (MCSO/SWAT) and asked for assistance developing a tactical plan to effect Cooper's arrest. The MCSO/SWAT responded and developed an arrest plan.

The ACSO/SRT and the MCSO/SWAT initially planned to arrest Cooper on September 11, 2001, but that attempt had to be canceled because of a possible security breach.

On November 5, 2001, the ACSO developed their own tactical arrest plan and conducted a briefing outlining that plan. Following the briefing, the ACSO/SRT practiced several arrest scenarios utilizing three ACSO vehicles.

On November 6, 2001 at approximately 0005 hours, during the ACSO/SRT tactical operation, Cooper critically wounded ACSO Deputy Rob Martinez and was fatally wounded by ACSO Deputy Joseph Goldsmith.

ACSO Deputy Rob Martinez was flown to Phoenix, Arizona, where he was admitted in critical condition to the Barrows Neurological Institute.

Cooper was pronounced dead at the scene.

Apache County Sheriff Brian Hounshell requested the Arizona Department of Public Safety, Special Investigations Unit, respond and conduct the criminal investigation.

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Chemical SPRAY  
BATON USED? ☐ Y ☐ N

OCCURRED: DATE  
(MO/DAY/YR)  
11/06/2001

OCCURRED: TIME  
E 00  
00 05

ID: DATE (MO/DAY/YR)  
11/06/2001

TYPE OF OFFENSE/INCIDENT  
AGGRAVATED ASSAULT

ARS CODE  
13-  
1204

JURISDICTION  
APACHE

DRIVER'S LICENSE  
NUMBER & EXP. DATE

LOCATION OF

STATE ☐ OPERATOR ☐ COMMERCIAL  
ACCIDENT ☐ N

SEX WEIGHT HEIGHT  
CXX Eagar S Gree n

HAIR Brown

PLACE OF BIRTH

LOCATION BOOKED OR REFERRED  
ST 3  
AZ 85936-  
CITY

OCCURRENCE (MILE POST, /STREET, ETC.)  
96 N. CLEARVIEW CIRCLE, EAGAR, AZ

VICTIM  
NAME:  
LAST  
OPER

LOCATION OF ARREST (MILE  
POST/STREET, ETC)

SOCIAL SECURITY NUMBER

WILLIAM  
MIDDLE  
MILTON

RESIDENCE PHONE  
NUMBER

ST ZIP CODE

EMPLOYER NAME

WORKER ADDRESS

NUMBER & EXP. DATE		MODEL/TYPE		COLOR VEHICLE		TOWED <input type="checkbox"/> Y <input type="checkbox"/> N		OWNER <input type="checkbox"/> Y <input type="checkbox"/> N	
YEAR & MAKE		STATE		YEAR & MAKE		MODEL/TYPE		COLOR VEHICLE IDENTIFICATION NO. (VIN)	
								VEHICLE TOWED <input type="checkbox"/> Y <input type="checkbox"/> N	
								REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N	

Vehicle ☐ Currency ☐ Real Property ☐ Personal Property Other:







ARIZONA DEPARTMENT OF PUBLIC SAFETY

INVESTIGATIVE                      2001 - 070756                      REPORT  
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Lead Detective

Detective Kevin Wood, #2613  
Arizona Department of Public Safety  
Criminal Investigations Division  
Special Investigations Unit 2102  
West Encanto Boulevard Phoenix.  
Arizona 85009 Office: (602) 223-  
2627 Fax: (602) 223-2940

Charges:			(11/06/2001)
			(07/11/2001
Aggravated Assault			)
Aggravated Assault	A.R.S. §	13-1204	(07/11/2001
Endangerment	A.R.S. §	13-	)
Endangerment	A.R.S. §	1204	(07/11/2001
	A.R.S. §	13-	)
Suspect:		1201	
		13-	
		1201	

William Milton Cooper (Deceased)  
Date of Birth:  
Physical Description: White - Male - 6'3\* - 250 Pounds - Grey Hair - Green Eyes  
Social Security Number: Residence Address:  
Eagar, Arizona 85935

Victim: (11/06/2001)

Name:	Rob Marinez {Critically Wounded)
Business Address:	Apache County Sheriff's Office P.O. Box #518 St.. Johns, Arizona 85936 (928) 337-4321 or (800)
Business Phone:	352-1850

Detective Name	ID No.	Location	Date	Supervisor
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Involved Agencies

Arizona Department of Public Safety Criminal Investigations Division Special Investigations Unit (SIU)  
2102 West Encanto Boulevard Phoenix, Arizona 85009 (602) 223-2110

- 1. Sergeant Tim Chung #4609 - SIU Supervisor
- 2. Detective Frank Martinez #1334 - Interviews, Crime Scene
- 3. Detective Roger Keeling #4000 - Interviews, Crime Scene
- 4. Detective John Bottoms, #4290 - Interviews. Crime Scene
- 5. Detective Mike Livingston #4397 - Interviews, Crime Scene
- 6. Detective John Allen #4511 - Interviews, Photographs, Crime Scene Diagram
- 7. Detective Wayde Webb #4891 - Barrows Neurological Institute, Hospital Follow Up
- 8. Detective Bill Beck #5043 - Interviews

Arizona Department of Public Safety Criminal Investigations Division  
2102 West Encanto Boulevard Phoenix, Arizona 85009 (602) 223-2000

- 1. Detective Terry Johnson, #2479 - Pima County, Office of the Medical Examiner (OME)  
Autopsy Photographs. Autopsy Evidence Recovery
- 2. Detective Charles Serino, #4731 - Pima County OME - Assist Detective Johnson

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Arizona Department of Public Safety Highway Patrol Division District Three  
2102 West Encanto Boulevard Phoenix, Arizona 85009 (602) 223-2000

1. Officer Robert Tulk, #3824 - Crime Scene Security, Evidence Safekeeping

Apache County Sheriff's Office Special Response Team (SRT)  
PO Box #518 St. Johns, Arizona 85935 (928) 337-4321

- 1. Sheriff Brian Hounshell
- 2. Commander Andrew Tafoya
- 3. Commander Abraham Hunt
- 4. Commander James Womack
- 5. Sergeant Steven Brown
- 6. Sergeant Clifford Thorn
- 7. Deputy Joseph Goldsmith
- 8. Deputy David Padilla
- 9. Deputy Matrese Avila
- 10. Deputy Charles Brown
- 11. Deputy Christopher Oakes
- 12. Deputy Alfonso Morales
- 13. Deputy Michael Wood

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- 14. Deputy Brannon Eagar
- 15. Evidence Technician John Poe

Apache County Sheriff's Office District One  
PO Box #518 St. Johns, Arizona 85936 (928) 337-4321

- 1. Commander Travis Simshauser - Incident Support
- 2. Deputy Alton Shepard - Incident Support
- 3. Deputy Shawn Bodie - Incident Support
- 4. Deputy Robert Platero - Incident Support
- 5. Deputy David Murray - Incident Support

Eagar Police Department  
PO Box #1300 Eagar. Arizona 85925 (928) 333-4127

- 1. Chief B. Scott Garms
- 2. Detective Paul Kirkham
- 3. Sergeant Fred Frazier
- 4. Officer John Crow
- 5. Officer John Miller
- 6. Officer Michael Sweetser
- 7. Officer Troy Czarnyszka

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**Pinetop/Lakeside Police Department**

1360 North Niels Hansen Lane Pinetop - Lakeside, Arizona 85929 (520) 368-8802

- 1. Crime Scene Investigator Bob Harkey - Crime Scene Photographs

**Springerville Police Department**

PO Box #390 Springerville, Arizona 85938 (928) 333-4000

- V. Officer David Gregory
- VI. Animal Control Officer Dennis Gilliam

**St. Johns Police Department**

PO Box #698 St. Johns, Arizona 85935 (928) 337-2440

- 1. Chief James Zieler
- 1. Sergeant Donny Jones
- 2. Detective Michael Cirivello
- 3. Officer Creig Wallace

**Pima County - Office of the Medical Examiner**

2825 East District Street Tucson, Arizona 85714 (520) 294-3846

- 1. Erick Peters, M.D. - Forensic Pathologist

Detective Name	ID No.	Location	Date	Supervisor
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ACSO Briefing:

Upon arrival at the ACSO facility. Detectives Wood and Martinez met the other SIU detectives, members of the DPS Special Operations Unit (SOU) and deputies from the ACSO. The DPS/SOU had been called by the ACSO, after the officer involved shooting, to enter and search the suspect residence for additional hazards or suspects.

On November 6, 2001 at approximately 0847 hours, the DPS/SOU entered the crime scene and searched Cooper's residence. No hazards or additional suspects were found. (Supportive Documents: V. 5)

Detective Wood met ACSO Commander Andrew Tafoya. Commander Tafoya was the ACSO Special Response Team (SRT) commander for this incident and the ACSO liaison for the criminal investigation. At approximately 0715 hours, Commander Tafoya conducted a briefing for the benefit of the SIU personnel. Commander Tafoya advised the SRT initiated a tactical plan to arrest William Milton Cooper shortly before midnight on November 5, 2001. The commander said Cooper was wanted in Apache County for one count of aggravated assault and two counts of endangerment. Commander Tafoya said two SRT members were involved in an OIS shooting with Cooper, during the tactical arrest operation. Commander Tafoya said Deputy Rob Martinez was critically wounded by Cooper and Cooper was mortally wounded by Deputy Joseph Goldsmith. Commander Tafoya said Deputy Martinez had been treated at the scene by emergency services personnel, transported to the hospital in Springerville, Arizona and was then flown to the BNI in Phoenix, Arizona.

Commander Tafoya stated Cooper's body remained at the scene.

Commander Tafoya provided copies of Eagar Police Department (EPD) reports, the warrants for Cooper's arrest, copies of the SRT tactical operation and a list of the involved SRT deputies. (Supportive Documents: V. 1 and V. 2)

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**SIU Assignments:**

At the conclusion of Commander Tafoya's briefing, Sergeant Chung made the following SIU assignments;

Detective Wood would act as lead investigator, assisted by Detective Martinez; Detectives Keeling, Bottoms, Livingston and Martinez would conduct interviews and process the crime scene; Detective Allen would photograph the involved deputies, conduct interviews and process the crime scene for diagraming; Detective Beck would conduct interviews.

Sergeant Chung advised he would assign SIU Detective Wayne Webb to conduct the hospital follow up at BNI. (Investigation: Supplemental Reports; II. 1)

**Interviews:**

On November 6, 2001, the SIU detectives interviewed fifteen involved members of the ACSO. The interviews were conducted at three locations, the ACSO facility in Round Valley, the Rode Inn Motel, 242 East Main Street, Springerville, Arizona and the Apache-Sitgreaves National Forest Service Headquarters, Springerville, Arizona.

All the SIU criminal interviews were voluntary in nature and all were audibly recorded. All tapes used for the SIU interviews were retained at the DPS Property and Evidence Section in Phoenix, Arizona. (Supportive Documents: V. 5)

The investigative narrative contains excerpts from interview summaries with deputies who encountered Cooper, heard deputies issue verbal commands to Cooper, saw muzzle flashes or heard gun shots.

- For complete interview summaries of all involved ACSO personnel, refer to the Interview Section of the report.

Deputy Joseph Goldsmith Interview Summary

Involvement - UC vehicle, truck bed. witnessed muzzle flashes from Cooper's hand gun. shot William Milton Cooper after Cooper shot at Deputy Marinez.

Deputy Goldsmith said on November 5, 2001, he was contacted by ACSO Commander James Womack and asked to respond to the ACSO facility in Round Valley at 1800 hours for a SRT briefing. Deputy Goldsmith was told the briefing pertained to William Cooper

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Deputy Goldsmith responded as requested and the briefing was conducted by ACSO Commander Andrew Tafoya. The briefing outlined a felony arrest warrant for William Milton Cooper, who lived at 96 Clearview Circle, Eagar, Arizona. Deputy Goldsmith stated this was the second time the ACSO prepared and planned to apprehend Cooper. Deputy Goldsmith said the first plan called for an operation on September 11, 2001 but that plan was canceled.

During the briefing Deputy Goldsmith received an assignment as one of four ACSO deputies to be concealed in the bed of an undercover (UC) pick up truck. The SRT was to use a ruse to get Cooper out of his residence and near the UC vehicle. Once Cooper was near the UC vehicle, Deputy Goldsmith and ACSO Deputy Rob Martinez were tasked with exiting the truck bed and physically effecting the arrest.

Deputy Goldsmith said the tactical plan was based on encountering and arresting Cooper away from his residence. Part of the tactical plan allowed for the SRT Tactical Van (Tac Van) to block the road to the Cooper residence should Cooper make an attempt to return to his residence. Deputy Goldsmith said the intelligence report presented at the briefing indicated Cooper may have had numerous weapons inside his residence.

Deputy Goldsmith stated on November 5, 2001, he was armed with his issued Colt, .45 caliber, semi-automatic handgun loaded with nine live rounds, during the practice sessions and the tactical operation at 96 Clearview Circle, Eagar, Arizona.

Deputy Goldsmith said the SRT tactical plan called for UC deputies to drive the UC pick up truck to an area near the Cooper residence and try to lure Cooper from the residence with their presence. Deputy Goldsmith said the UC vehicle would have a total of seven (7) deputies onboard; two (2) UC deputies in the drivers compartment, one (1) SRT member on the front floorboard of the UC vehicle, and four (4) SRT members concealed under a blanket in the truck bed.

Deputy Goldsmith said the UC vehicle and deputies would be supported by SRT members in the Tac Van and other SRT members in marked ACSO vehicles. Deputy Goldsmith said the Cooper residence was under SRT surveillance during the briefing, the practice session and the tactical operation



Deputy Goldsmith and the other SRT members left the briefing and practiced the tactics! plan at the Apache County property at Highway 180-260 Wye, Eagar, Arizona. Deputy Goldsmith said the SRT practiced without SRT gear for an hour or so, then put on their SRT gear and practiced with the gear on.

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Deputy Goldsmith said during the practice sessions the SRT UC members developed a number of verbal cues to be used when the time was right for the arrest. Deputy Goldsmith said the verbal cues would come from the UC deputies in the driver's compartment and the cues to be used would be based on the situational arrest scenario.

Deputy Goldsmith said once the SRT was comfortable with the tactical plan at the ACSO facility, the SRT members loaded into their respective vehicles and proceeded toward the target location.

Deputy Goldsmith said when the UC vehicle departed the practice area the following deputies were onboard;

Commander Womack was assigned as driver Deputy Matrese

Avila was assigned as the UC passenger Deputy David Padilla

was assigned to lay on the front floorboard Deputy Goldsmith was

assigned the middle of the truck bed

16. Deputy Charles Brown was assigned the driver's side of the truck bed  
Deputy Rob Marinez was assigned the passenger's side of the truck bed
17. Commander Tafoya was assigned the foot of the truck bed

Deputy Goldsmith related while en route toward the Cooper residence, Commander Tafoya was having communication difficulties with the surveillance teams so the UC vehicle stopped until the problem could be rectified. Once the communication problem was remedied the UC vehicle continued toward Cooper's residence.

Deputy Goldsmith stated he and the other three deputies in the truck bed were covered by a blanket and had no visual reference on the journey up the hill to the area north of the Cooper residence.

Deputy Goldsmith said the UC vehicle came to a stop, Commander Womack exited the vehicle on the driver's side and verbally informed the SRT members in the truck bed they were in position.

Commander Womack advised the UC vehicle deputies a light was turned on inside the Cooper residence. A short time later, Commander Womack advised the UC vehicle deputies the outside porch light at the Cooper residence had been turned on.

A few minutes later, Deputy Goldsmith heard a vehicle engine turn on some distance from the UC vehicle. Commander Womack was still standing on the driver's side of the UC vehicle and verbally told the UC vehicle deputies, "Here he (Cooper) comes."

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Deputy Goldsmith said the surveillance team provided a very descriptive account of Cooper's vehicle actions as it approached the UC vehicle. The surveillance team was using the ACSO radio to communicate with the UC vehicle deputies and the other SRT members.

Deputy Goldsmith heard a vehicle stop near the UC vehicle. Deputy Goldsmith heard a male voice say, "You need to get out of here. You can't be here." Deputy Goldsmith heard the male voice tell Commander Womack he had to leave the area or he would call the police.

Deputy Goldsmith heard Commander Womack and the male subject exchanging words near the UC vehicle for a short time.

While the male was talking to Commander Womack, Deputy Goldsmith heard Commander Tafoya use the ACSO radio and call for the Tac Van to block the roadway between Cooper's present vehicle location and his residence.

Deputy Goldsmith heard Cooper's vehicle drive away and heard Commander Womack say something like, "There he (Cooper) goes and we're going too."

Deputy Goldsmith said Commander Tafoya and Deputy Charles Brown both uncovered themselves and exited the UC truck bed. Deputies Tafoya and Brown started to pursue Cooper's vehicle on foot.

Deputy Goldsmith looked up from his truck bed position and saw Cooper's vehicle being stopped by the Tac Van with emergency lights (red and blue) activated. Deputy Goldsmith said the stop occurred south of the location where the UC vehicle and Cooper's vehicle had been stopped.

Deputy Goldsmith saw the Tac Van and Cooper's vehicle stopped in the drive and they appeared to be positioned driver's side door to driver's side door.

Deputy Goldsmith saw Cooper's vehicle accelerate to the south toward his residence. Commander Womack turned the UC vehicle and proceeded after Cooper's vehicle with Deputies Goldsmith and Martinez still in the truck bed.

Deputy Goldsmith saw Cooper's vehicle proceeded south along the ridge to the front of his residence with the UC vehicle following. Deputy Goldsmith observed Cooper stop his vehicle on

the -west side of the dirt/gravel drive adjacent to his yard. Deputy Goldsmith said Commander Womack stopped the UC vehicle behind Cooper's vehicle.

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Once the UC vehicle came to a stop, Deputy Goldsmith exited the truck bed on the driver's side while Deputy Martinez exited the truck bed on the passenger's side.

Deputy Goldsmith proceeded on foot in a northeasterly direction toward two vehicles parked on the east side of the drive, directly across from Cooper's residence. Deputy Goldsmith lost sight of Deputy Martinez at that point.

As Deputy Goldsmith was running across the drive to take cover behind the parked cars, he saw Cooper exiting his truck. Cooper exited his pick up via the driver's side door and went around the front of the truck toward his residence. Deputy Goldsmith estimated he was approximately 30 feet from Cooper at that point.

Deputy Goldsmith drew his service weapon and shouted, "Sheriff's Office, stop" numerous times, but Cooper did not respond to the verbal commands and continued toward his residence. Deputy Goldsmith said Cooper was not moving very fast due to the noticeable limp. As Deputy Goldsmith proceeded along the east side of the two parked vehicles, he heard Deputy Martinez shouting, "Sheriff's Office, stop" repeatedly but Cooper did not stop and continued toward his residence. Deputy Goldsmith walked around the front of the second parked car, aimed his service weapon at Cooper and walked west across the drive yelling, "Sheriff's Office, stop. Sheriff's Office, stop." Deputy Goldsmith said Cooper did not stop and he (Cooper) yelled, "No."

Cooper almost made it to the door located on the east side of his residence when Deputy Goldsmith saw Cooper reach near his waist. Deputy Goldsmith continued to issue verbal commands to Cooper when he saw, "An arm come up and a then muzzle blast, and I (Goldsmith) heard a gun shot." Deputy Goldsmith said it appeared Cooper was holding a gun with his right hand when he pointed and fired in the direction of Deputy Martinez.

Deputy Goldsmith said he saw a muzzle blast in the direction of Deputy Martinez. Deputy Goldsmith said Deputy Martinez was positioned north of Cooper, along the east side of the residence, near an abandoned vehicle in the yard. Deputy Goldsmith estimated the distance



between Cooper and Deputy Marinez at approximately 20 to 30 feet when Cooper fired the gun at Deputy Marinez. Deputy Goldsmith said when Cooper fired at Deputy Marinez, it exposed his (Cooper's) right side and upper right torso region.

Deputy Goldsmith estimated he was about five to ten feet in front of Cooper's vehicle and 15 to 20 feet away from Cooper when he (Cooper) fired at Deputy Marinez.

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Fearing for the life of Deputy Martinez and for his own safety. Deputy Goldsmith advanced on Cooper, firing his service weapon. Deputy Goldsmith utilized a two handed grip on his service weapon, aimed at the center of Cooper's torso and continued to fire until he (Cooper) stopped shooting. Deputy Goldsmith saw two or three more muzzle blasts from Cooper's gun toward Deputy Martinez before he (Cooper) stopped shooting and fell to the ground.

Cooper fell to the ground landing with his head to the west and his feet to the east.

When asked what he was trying to do when he continually shot at Cooper, Deputy Goldsmith said all he wanted to do was stop Cooper from shooting.

Deputy Goldsmith estimated he was approximately five (5) feet from Cooper and 15 to 20 feet from Deputy Martinez when the shooting was over. Deputy Goldsmith said he, Deputy Martinez and Cooper were all in close proximity to each other when the shooting occurred.

Deputy Goldsmith said he fired nine (9) rounds at Cooper and at the end of the shooting, he holstered an empty service weapon with the slide locked to the rear. Deputy Goldsmith said his service weapon remained in his holster until he turned it over to Commander Tafoya.

Deputy Goldsmith looked quickly at Cooper. Cooper was not moving, so Deputy Goldsmith focused his attention toward Deputy Martinez" location. Deputy Martinez was lying on the ground. It was at that point Deputy Goldsmith realized Deputy Martinez had been shot by Cooper. It was also at that same time Deputy Goldsmith noticed other ACSO deputies arriving to assist. Deputy Goldsmith went to the aid of Deputy Martinez and found him lying on his back with what he thought was a bullet wound to the left side of his head. Deputy Martinez' head was to the west and his feet wore to the east, and he was actively bleeding from the head wound.

Deputy Goldsmith spoke to Deputy Martinez but Deputy Martinez was not able to respond verbally.

Deputy Goldsmith remained with Deputy Martinez until the Emergency Medical Personnel (EMS) arrived and took over Deputy Martinez' care.

After the EMS personnel loaded Deputy Marinez into the ambulance and they departed the scene, Deputy Goldsmith took a break and drank some water.

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Kevin Wood	2613	32030200	04/04/02	Lieutenant Tim Chung #4609





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Shortly after taking his break, Commander Tafoya took custody of Deputy Goldsmith's service weapon and gave him another service weapon to use. (Investigation: SIU Supplemental Reports; Detective John Bottoms #4290, regarding the seizure of Deputy Goldsmith's service weapon)

Deputy Goldsmith said both he and Deputy Martinez were wearing clearly visible ACSO/SRT (Police) attire during this operation. (Photographs: V. 5)

Deputy Goldsmith had no personal contact with Cooper prior to November 5, 2001, but he was aware Cooper presented a high potential for violence based on the SRT briefing.

Deputy Goldsmith said there was adequate artificial lighting produced by the residence and vehicles for him to clearly see Cooper throughout the shooting. Deputy Goldsmith remembered the head lights of Cooper's vehicle being on but he was not sure about the head lights of the UC vehicle.

#### Commander Andrew Tafoya Interview Summary

Involvement - SRT Commander, UC vehicle, truck bed, witnessed muzzle flashes from Cooper's hand gun, heard gun shots

Commander Tafoya said in the summer of 2001, his agency was contacted by the Eagar Police Department regarding an incident involving William Milton Cooper. Cooper was a resident of Eagar, Arizona, at the time of the incident. Commander Tafoya learned Cooper was wanted on federal tax charges in 1998 as well as aggravated assault and felony endangerment charges in Apache County in July of 2001.

Commander Tafoya said he started to develop a tactical plan to arrest Cooper earlier this year and enlisted the aid of the Maricopa County Sheriff's Office (MCSO), Special Weapons and Tactics Unit (SWAT).

Commander Tafoya said the MCSO/SWAT unit responded to Apache County and developed a tactical plan at the Sheriff's request. (Supportive Documents: V. 2) The SRT and MCSO/SWAT

units planned for the first tactical operation on September 11, 2001, but that plan was canceled because of a possible security breach.

Commander Tafoya and the SRT members evaluated the original plan presented by the MCSO/SWAT but decided to develop and use their own plan to arrest Cooper.

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As a result of surveillance and intelligence information, Commander Tafoya said it was very likely Cooper had several weapons inside his residence, which would present a significant risk to any officer(s) attempting to make entry. The SRT developed a tactical plan that used a ruse to lure Cooper from his residence to make the arrest. (Supportive Documents: V. 2)

Commander Tafoya arranged for a SRT briefing at 1800 hours on November 5, 2001. at the ACSO facility in Round Valley, Arizona. Commander Tafoya said the SRT would be briefed on the tactical operation designed to arrest Cooper on the Apache County charges. During the briefing, Commander Tafoya addressed the dangers associated with this tactical operation and stressed officer safety.

Commander Tafoya said the SRT tactical plan called for three vehicles occupied by SRT deputies and two surveillance SRT members on the ground, near the Cooper residence. The vehicles were staffed as follows;

Undercover (UC) Vehicle (pick up truck) occupied by seven SRT deputies

Fully Marked ACSO Tactical Van (Tac Van) occupied by Sheriff Hounshell,  
two SRT deputies and one ACSO evidence technician Fully Marked ACSO

Chase Vehicle occupied by three SRT deputies

Commander Tafoya explained the UC vehicle was designated as the ruse and arrest vehicle, the Tac Van would be used to stop Cooper from returning to his residence once he left and the Chase Vehicle would be used should Cooper attempt to drive off the hill top.

Commander Tafoya said the SRT surveillance team members were a critical component of the tactical plan. It was the SRT surveillance team's responsibility to advise the rest of the SRT members regarding people and vehicle movements at the Cooper residence. The Tac Van was instructed to pull into a blocking position based on information received from the SRT surveillance team.

Commander Tafoya led the briefing and made the SRT assignments. After the briefing,

Commander Tafoya took part in SRT training sessions at the ACSO facility in Round Valley,



Arizona. Once the SRT was comfortable with the tactical plan and the training scenarios, Commander Tafoya made the decision to put the arrest plan in motion.

Commander Tafoya positioned himself at the foot of the UC truck bed with three other SRT members (Deputies Rob Martinez, Joseph Goldsmith and Charles Brown). Commander Tafoya was one of the arrest team members. The tactical plan called for the driver of the UC vehicle (Commander Womack) to encounter Cooper away from his residence, give a verbal cue for action and have the SRT members in the truck bed exit the vehicle and arrest Cooper.

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While in the UC truck bed, Commander Tafoya was armed with an ACSO issued Colt, .45 caliber, semi-automatic, hand gun. Commander Tafoya maintained SRT radio communication using a portable ACSO radio.

Commander Womack drove the UC vehicle up a hill and parked the UC vehicle north of the Cooper residence. Commander Tafoya and the deputies in the truck bed were covered by a blanket and could not tell exactly where the UC vehicle had come to a stop.

Once parked on the top of the hill north of the Cooper residence, Commander Tafoya heard Commander Womack exit the UC vehicle on the drivers side. Commander Womack verbally advised the SRT members in the truck bed regarding what he observed at the Cooper residence. A short time after parking on the top of the hill. Commander Womack informed the UC deputies an inside light had been turned on at the Cooper residence. Shortly thereafter, Commander Womack told the UC deputies a porch light had been turned on at the Cooper residence.

Within another few minutes, the SRT surveillance team advised, via radio, Cooper left his residence, entered a pick up truck and started driving toward the UC vehicle's location.

Commander Tafoya hoard a vehicle pull up near the left rear corner of the UC vehicle and stop, with the engine running. Commander Tafoya heard Commander Womack engage in conversation with a male subject (Cooper). Commander Tafoya heard the male voice (Cooper) tell Commander Womack to get off the mountain. After a few minutes, Commander Tafoya heard Cooper's vehicle drive away.

Commander Tafoya heard Commander Womack say, "He's (Cooper) moving." Commander Tafoya pulled the blanket off himself and the other SRT members in the truck bed. Commander Tafoya looked up from the truck bed and saw Cooper's vehicle speeding away to the south. Commander Tafoya watched Cooper's vehicle drive southbound. Commander Tafoya saw the Tac Van with head lights and emergency lights (red and blue) activated, positioned south of Coopers vehicle. Commander Tafoya saw brake lights on Cooper's vehicle and both vehicles came to a stopped position, facing one another.

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The Tac Van and Cooper's vehicle were positioned in the driveway as follows;

- ♦ Cooper's vehicle was facing south toward the suspect residence  
The Tac Van was facing north toward the original location of the UC vehicle

Commander Tafoya and Deputy Charles Brown exited the UC truck bed and began running south toward Cooper's vehicle. As the Commander ran toward Coopers vehicle, he realized he may end up in a cross fire situation so he veered slightly to his left (east).

Commander Tafoya got within 20 to 30 yards of Coopers vehicle when it accelerated around the Tac Van to the west and proceeded south on the driveway, toward Cooper's residence. Commander Tafoya continued running south. Commander Tafoya past Sheriff Hounshell and was then passed by the UC vehicle, also headed south. Commander Tafoya estimated he was about 60 yards from Cooper's vehicle when it came to a stop, near Cooper's residence. Commander Tafoya saw Deputy Brown running in front of him and was passed by ACSO Deputy David Padilla.

Commander Tafoya saw Cooper pass in front of his vehicle head lights, headed toward his residence.

Commander Tafoya got within an estimated 40 to 60 yards of the UC vehicle when he saw Cooper stop and a flash (muzzle blast) at Cooper's right (north) side. At about that same time, Commander Tafoya heard gun shots. Commander Tafoya described the shots as two initial shots, a brief pause and a third shot followed immediately by a succession of shots. Commander Tafoya thought the first shots sounded like they came from one weapon while the rest of the shots came from a larger caliber weapon.

Commander Tafoya continued past the UC vehicle and approached the scene from the east side of Coopers vehicle. As Commander Tafoya went around Cooper's vehicle, he saw Deputy Goldsmith pointing a hand gun at Cooper who was lying on the ground. Commander Tafoya proceeded toward Cooper and also covered him with his hand gun. (Commander Tafoya did not know Deputy Martinez had been shot at that point)

Commander Tafoya said Cooper was lying on his left side and he saw movement in Coopers hand. Commander Tafoya observed a silver metal revolver in Cooper's hand. Commander

Tafoya removed the revolver from Cooper's hand and placed it on the ground to the east of Cooper.

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Commander Tafoya donned latex gloves and checked Cooper for vital signs. No vital signs were found and it appeared Cooper was suffering from a gun shot wound to the head. After checking for vital signs, Commander Tafoya thought the revolver was still too close to Cooper so he picked it up and placed it on a small retaining wall, well out of Cooper's reach.

Commander Tafoya heard deputies saying, "Rob are you okay? Rob are you okay?"

Commander Tafoya looked to his right and saw Deputy Marinez lying on the ground.

Commander Tafoya approached Deputy Marinez who was being attended by Deputy Goldsmith. It appeared Deputy Marinez was awake but he was not responding.

Commander Tafoya radioed for the staged medical personnel (a Paramedic and an EMT), a ground ambulance and the DPS Air Rescue helicopter stationed in Flagstaff, Arizona.

Commander Tafoya notified the Sheriff that Deputy Marinez had been wounded and Cooper had been killed. Sheriff Hounshell and Commander Tafoya began to take over incident command and started securing the scene. Sheriff Hounshell requested the DPS/SIU respond and conduct the criminal investigation.

While making incident assignments, Deputy Goldsmith walked up to Commander Tafoya and asked what he should do with his service weapon. Commander Tafoya observed the Colt, .45 caliber, semi-automatic, hand gun in Deputy Goldsmith's holster. Deputy Goldsmith's weapon had the slide locked to the rear with a magazine in place.

Deputy Goldsmith took his weapon out of the holster and handed it to Commander Tafoya. Commander Tafoya took Deputy Goldsmith's weapon and gave Deputy Goldsmith his (Tafoya's) hand gun as a replacement. Commander Tafoya did not manipulate Deputy Goldsmith's weapon. Later, Commander Tafoya gave Deputy Goldsmith's weapon to DPS Officer Rob Tulk #3824 for safekeeping. (Investigation: Supplemental Reports; Highway Patrol Division; Officer Tulles Supplemental Report)

Commander Tafoya said after some time passed, the Tac Van was repositioned from its original location behind the UC vehicle to a position southeast of the residence, in the driveway.

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Commander Tafoya left the crime scene and drove to the hospital in Springerville, Arizona, to check on the condition of Deputy Marinez. While at the hospital, Commander Tafoya saw Deputy Marinez' clothing in a plastic bag near the rear door to the Emergency Department. Commander Tafoya instructed ACSO Deputy Mike McQuay to take control of Deputy Marinez' clothing. Deputy McQuay did as instructed. (Supportive Documents: V. 5)

#### Commander James Womack Interview Summary

Involvement - UC vehicle, driver, spoke with Cooper during the tactical operation, saw muzzle flashes from Cooper's hand gun, heard gun shots

On November 5, 2001 at 1000 hours. Commander Womack said he attended a supervisor's meeting. Commander Womack said during the meeting, they discussed how to handle the situation with Cooper and what tactics should be utilized to affect an arrest. Commander Womack said it was decided during the meeting to have a training mission at 1800 hours with the ACSO/SRT. Commander Womack said he has known of Cooper for a long time. Commander Womack said Cooper lived in St. Johns and operated an anti-government radio station. Commander Womack said it wasn't until Cooper moved to Eagar when the problems started. Commander Womack said there was a federal warrant for Cooper's arrest, but the local police did not execute the warrant because they heard of Cooper stating he would kill as many officers as he had to. Commander Womack said retired DPS Highway Patrolman Dave Mann was good friends with Cooper and visited him often. According to Commander Womack, Mann reported the threats to kill officers to the local police departments. Commander Womack said Mann told him that he had an agreement with Cooper to take Coopers family out of the house if he was ever barricaded inside because Cooper was going to fight to his death. Commander Womack said the local police became involved with Cooper once he started assaulting people with guns.

Commander Womack said he arrived at the ACSO substation a little after 1800 hours and attended the training maneuvers with the rest of the ACSO/SRT. Commander Womack said a plan to execute the arrest warrant for Cooper was initiated and practiced by the ACSO/SRT. Commander Womack said Commander Tafoya conducted the training. Commander Womack said during the training, it was decided to attempt to execute the arrest warrant for Cooper that evening.

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Commander Womack said he was to be in civilian clothes and assigned to drive his personal pickup to the property north of Cooper's residence. Commander Womack said Deputy Avila was assigned to accompany him wearing civilian clothes. Commander Womack said his pickup was a tan 1989 Chevrolet pickup. The pickup had no police markings on it.

Commander Womack said the plan was to see if Cooper approached him. If Cooper did approach him, ACSO/SRT Deputies Goldsmith, Marinez, Brown and Tafoya who were laying on the bed of the pickup would arrest Cooper.

Commander Womack said he would give the arrest signal by asking Cooper "What can I do for you?" Another ACSO/SRT member, Deputy Padilla, who lying on the floorboard of the pickup was to eliminate Cooper's dog which was known to be attack trained and vicious.

Commander Womack said two or three officers were assigned to watch Cooper's house and advise when Cooper left the house and approached Commander Womack. Commander Womack said the surveillance officers were positioned northeast of Cooper's property, but he did not know exactly where.

Commander Womack said Cooper's house was on the south side of the hilltop. Several other lots which were for sale were on the north side of the hilltop. Commander Womack said he drove his truck to the north side of the hilltop and parked. Commander Womack said once parked, he unloaded a few pieces of wood. Commander Womack said he was to wait 15 to 20 minutes before starting a fire.

Commander Womack said he and Deputy Avila stood outside his pickup. Commander Womack said after a short period of time, he saw lights on the side of Cooper's residence turn on, off and then back on. Commander Womack said he then heard Cooper's pickup truck start and drive toward him. Commander Womack said Deputy Avila was to take cover in front of the truck once Cooper arrived.

Commander Womack said Cooper arrived in his pickup with his high beams shining in his face.

Commander Womack said he could not see so he took his hat off to block the lights and he walked a little to the west cut of the lights. Commander Womack said Cooper yelled at him from his pickup. Commander Womack said Cooper told him to get off the mountain because he did not belong there. Commander Womack said he tried to get Cooper out of the vehicle by telling him he



could not hear him. Commander Womack said Cooper stuck his head out of the window and screamed at him. Commander Womack said he spoke politely to Cooper because he did not, want to upset him. Commander Womack said Cooper continued to yell at him, telling him to get off the mountain. Cooper finally told Commander Womack he had ten minutes to get off the property or he was going to call the police.

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Commander Womack said Cooper accelerated his pickup in reverse and turned around to go back to his house. Commander Womack said they had planned to have the ACSO/SRT truck block Cooper's return to his house in the event he was not arrested by the arrest team lying in the back of the pickup. Commander Womack said the SRT truck drove up the hill with all of its roof mounted emergency lights activated. Commander Womack said Cooper's pickup came to a stop in front of the SRT truck and then drove around it on the west side.

Commander Womack said he ran to his pickup and told the arrest team it was time to go.

Commander Womack said Tafoya and Brown jumped out of the pickup and began running toward Cooper's house. Commander Womack said he drove his pickup toward Cooper's residence.

Commander Womack said it was stressed during the training not to let Cooper get back into his house because the information they had indicated Cooper had a large amount of weapons and ammunition inside.

Commander Womack said as he drove around the SRT truck, he saw a deputy lying on the ground. Commander Womack said he did not know if Cooper had shot the deputy or ran him over with his truck. Commander Womack said he pulled his pickup to a stop behind Cooper's pickup which was parked in front of his house.

Commander Womack said Cooper was just getting out of his pickup when he drove to a stop behind him. According to Commander Womack, Deputies Marinez and Goldsmith jumped out of the back of Commander Womack's pickup and began yelling "Sheriffs Office, stop" while they ran toward Cooper. Commander Womack said Deputy Goldsmith ran around the left side of Cooper's truck and Deputy Marinez ran around the right toward the house.

Commander Womack said his handgun was in the small of his back and as he attempted to retrieve it, he dropped it on the ground. Commander Womack said he had to stop and pick it up before continuing after Cooper, who was running toward his house.

Commander Womack said Deputy Marinez approached the front yard of Cooper's house from the north and Deputy Goldsmith approached from the south east. Commander Womack said Cooper



was in front of Deputy Goldsmith. Commander Womack said hesaw Cooper extend his right arm toward the north and saw two or three flashes from his hand. Commander Womack said he saw something in Cooper's hand and when it flashed, he said he knew it was a gun. Commander Womack said Cooper was about 15 to 20 feet away from Deputy Marinez when he began shooting.

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Immediately after the shots were fired by Cooper. Commander Womack said he heard several other shots and saw Deputy Goldsmith shooting as he ran toward Cooper. Commander Womack said after Cooper started shooting his gun toward Deputy Marinez, Deputy Goldsmith started shooting his gun toward Cooper. Commander Womack said Deputy Goldsmith ended up about two to three feet from Cooper as he fell down. Commander Womack saw Deputy Marinez fall also. Commander Womack said he ran and pointed his gun at Cooper and turned to Deputy Marinez asking him if he had been shot.

Commander Womack said other officers arrived and told Commander Womack that Deputy Marinez was shot in the head.

Commander Womack said he thought the handgun ended up in Coopers left hand as he lay on the ground. Commander Womack said Commander Tafoya checked Cooper for a pulse and removed the handgun from Cooper's hand and moved it about one foot away. Commander Womack said he asked Commander Tafoya to move the handgun further away from Cooper. Commander Womack said Commander Tafoya put the gun on top of some rocks. Commander Womack said Commander Tafoya found no pulse on Cooper.

Commander Womack said emergency medical technicians worked on Deputy Marinez.

Commander Womack said his attention remained on Cooper.

#### Sergeant Steven Brown interview Summary

Involvement - Tac Van, driver, ordered Cooper out of his vehicle at gun point,  
heard gun shots

Sergeant Brown attended the briefing conducted by Commander Tafoya and was ultimately assigned as the driver of the fully marked SRT Tactical Van (Tac Van). Sergeant Brown

understood the deputies assigned to the Tac Van were tasked with keeping Cooper from returning to his residence, after he (Cooper) made contact with the ACSO undercover (UC) vehicle.

Sergeant Brown said after the briefing, the SRT members practiced different scenarios at the ACSO property in Round Valley, Arizona, for a couple hours. Sergeant Brown said once the practice was completed, he and the other SRT members got into their respective vehicles and prepared for the tactical operation.

During the final stages of training, as well as the tactical operation, Sergeant Brown was armed with a Colt, .45 caliber, semi-automatic hand gun and a M-4, .223 caliber, submachine gun.

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Sergeant Brown said the Tac Van was staffed as follows for the tactical operation;

Sergeant Brown was the driver • Sheriff Brian Hounshell

was the right front passenger Deputy Christopher Oakes in the

rear Evidence Technician John Poe in the rear

Sergeant Brown departed the ACSO property and drove the Tac Van to the Eagar City

Swimming Pool. From the swimming pool area, Sergeant Brown said he had a full view of the

Cooper residence and the top of the hill on which the residence was located.

Sergeant Brown saw the UC vehicle drive up the hill toward Cooper's residence and veer to the

left (north), eventually parking on top of the hill, north of the Cooper residence. Sergeant Brown

said the UC vehicle lights were turned off and he no longer could see the UC vehicle.

Sergeant Brown said the UC deputies were in position for 10 and 15 minutes when he saw lights activated on a vehicle in front of Cooper's residence. Sergeant Brown said the vehicle left the Cooper residence and drove toward the UC vehicle location.

Once Sergeant Brown saw the vehicle from the Cooper residence near the UC vehicle, he departed the Eagar City Swimming Pool area and drove toward the Cooper residence. As Sergeant Brown drove the Tac Van toward the target area, he listened to the ACSO radio and learned Cooper stopped his pick up by the UC vehicle but he never got out.

Sergeant Brown drove the Tac Van up the hill, north of the Cooper residence, with the lights off. Once the Tac Van reached the top of the hill, Sergeant Brown looked to the north and saw Commander Womack (a UC deputy) standing near the UC vehicle. Commander Womack was illuminated by vehicle head lights.

Sergeant Brown heard the ACSO surveillance deputies advise, via the ACSO radio. Cooper did not exit his pick up and he (Cooper) was leaving. At that point, Sergeant Brown turned on the Tac Van head lights and emergency lights (red and blue) and started driving toward Cooper's vehicle.

Cooper's vehicle was traveling southbound toward the suspect residence The Tac Van was traveling

northbound toward the UC vehicle location

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In an attempt to stop Cooper's vehicle, Sergeant Brown drove the Tac Van in the middle of the dirt driveway. As the two vehicles approached each other, Sergeant Brown stopped the Tac Van in the middle of the driveway causing Cooper to stop his vehicle directly in front of the Tac Van, offset slightly to the west.

At that point, Sergeant Brown saw Cooper extend his right hand out the driver's side open window, as if he were surrendering. After seeing Cooper's right hand extended. Sergeant Brown exited the driver's side of the Tac Van.

Sergeant Brown left the driver's side door open, clearly displaying the ACSO police markings to Cooper. Sergeant Brown said the head lights from the Tac Van clearly illuminated Cooper seated behind the steering wheel of the pick up.

Sergeant Brown aimed his M-4 sub-machine gun directly at Cooper and shouted verbal commands announcing, "Sheriff's Office. Put your hands in the air." Sergeant Brown heard Sheriff Brian Hounshell shouting the same verbal commands at Cooper from the passenger's side of the Tac Van. Sergeant Brown left the Tac Van running and all lights activated when he exited the vehicle. Sergeant Brown saw Cooper look toward Sheriff Hounshell for a moment. When Cooper looked at the Sheriff, Sergeant Brown left the cover provided by the driver's side door of the Tac Van and stood directly in front of Cooper's vehicle. Sergeant Brown pointed his M-4 directly at Cooper. Sergeant Brown said Cooper stared directly at him for few seconds, turned the pick up wheels to the right (west) just enough to miss the front of the Tac Van and accelerated directly at him.

Sergeant Brown was forced to jump out of the way to his right (east), toward the Tac Van, to avoid being struck by Cooper's vehicle. As Cooper's vehicle drove past Sergeant Brown, Sergeant Brown attempted to knock Cooper's hands off the steering wheel using the butt end of the M-4 rifle. The effort to knock Cooper's hands from the steering wheel failed.



As Cooper's vehicle continued past Sergeant Brown, Sergeant Brown attempted to reach into Cooper's vehicle and knock the gear shift out of gear. That effort also failed.

During Sergeant Brown's repeated attempts to stop Cooper, the magazine in his M-4 rifle fell apart, causing .223 caliber live rounds to fall out of the magazine and onto the dirt driveway.

Cooper's vehicle drove past Sergeant Brown to the south, toward Cooper's residence.

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Sergeant Brown replaced the broken M-4 magazine with a fully loaded magazine from his tactical carrier and began running after Cooper's vehicle.

Sheriff Hounshell instructed Sergeant Brown to stop running and retrieve the Tac Van. Sergeant Brown turned around, ran to the Tac Van, effected a u-turn and proceeded south after Cooper.

As Sergeant Brown arrived in the area of the Cooper residence and parked the Tac Van behind the UC vehicle, he heard a series of gun shots. Sergeant Brown described the shots as coming from two different caliber weapons, one small and one larger. Sergeant Brown heard two to four rounds from the small caliber weapon followed by several rounds from the larger caliber weapon.



Sergeant Brown exited the Tac Van, looked toward the residence and saw several deputies in the front yard area. As Sergeant Brown tactically approached the front of the Cooper residence , he heard someone say, "Rob has been shot.\*

Sergeant Brown continued to move tactically toward the residence and saw Cooper lying on the ground being covered by Commander Womack . Sergeant Brown moved to within three feet of Cooper and covered him with his M-4 rifle.

Sergeant Brown saw a silver revolver on the ground, less than a foot from Cooper's right hand. Sergeant Brown saw Commander Tafoya pick up the revolver and move it to a small retaining wall, out of Cooper's reach. Sergeant Brown searched Cooper's lower extremities for any additional weapons but found none. Sergeant Brown discovered an empty pistol holster on Cooper's right side.

Sergeant Brown looked to the north and saw Deputy Martinez lying on the ground, near the residence. Sergeant Brown continued to cover both Cooper and the east side of the residence with his M-4 rifle.

Sergeant Brown yelled to Deputy Oakes to radio for Emergency Medical Services. Deputy Oakes did as requested.

Sergeant Brown continued to cover both Cooper and the residence until relieved by Commander Tafoya. Once relieved, Sergeant Brown made his M-4 safe, placed it in the rear of his assigned vehicle and went to meet Deputy Martinez' wife.

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Once Sergeant Brown finished assisting Mrs. Martinez, he returned to the shooting scene and met with Commander Womack. Commander Womack asked Sergeant Brown to transport Deputies Goldsmith and Brown to the ACSO facility in Round Valley, Arizona. Sergeant Brown did as requested.

#### Sheriff Brian Hounshell Interview Summary

Involvement - County Sheriff, Tac Van, front seat passenger, ordered Cooper out of his vehicle at gun point, heard gun shots

Sheriff Hounshell said on November 5, 2001, he assisted the SRT with a tactical operation designed to apprehend William Cooper. Sheriff Hounshell said Cooper was wanted on federal tax charges as well as aggravated assault and felony endangerment charges in Apache County. Sheriff Hounshell said his agency considered a tactical operation to arrest Cooper in the past and had contacted the Maricopa County Sheriff's Office (MCSO), Special Weapons and Tactics Unit (SWAT) regarding that possibility.

Sheriff Hounshell said the MCSO/SWAT unit responded to Apache County and developed a tactical plan at his request. (Supportive Documents: V. 2) The ACSO/SRT and MCSO/SWAT units planned for the operation on September 11, 2001, but that plan was canceled because of a possible security breach.

On November 5, 2001 at approximately 1800 hours, Sheriff Hounshell responded to the ACSO facility in Round Valley, Arizona, to take part in the ACSO/SRT briefing. Sheriff Hounshell was filling in for the ACSO chief deputy who was unavailable.

Sheriff Hounshell attended the briefing led by Commander Tafuya. Sheriff Hounshell was asked to fill in for the absent chief deputy who had been assigned to the front passenger's seat in the ACSO Tac Van.

Sheriff Hounshell took part in the SRT training sessions at the ACSO facility in Round Valley, Arizona and said the Tac Van and onboard deputies were to be used to stop Cooper from returning to his residence once he had left.

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Sheriff Hounshell said the Tac Van was staffed as follows;

Sergeant Steven Brown was assigned as driver Sheriff Hounshell was assigned as front passenger Deputy Christopher Oakes was assigned to the rear of the van Evidence Technician John Poe was assigned to the rear of the van

Once the SRT was comfortable with the tactical plan, Sheriff Hounshell and the others got into the Tac Van and proceeded to a location below the Cooper residence. The Sheriff said he could see vehicular traffic on the top of the hill based on head lights.

Within minutes, Sheriff Hounshell saw a vehicle depart from the Cooper residence and proceed toward the location of the UC vehicle. Sheriff Hounshell heard via ACSO radio Cooper was in his vehicle headed toward the UC vehicle.

At that point, Sheriff Hounshell said the Tac Van left the original surveillance position and proceeded to the dirt road directly below Cooper's residence. Sheriff Hounshell said upon reaching the dirt road directly below the Cooper residence, he no longer had visual contact with Cooper's vehicle because of the steep incline. Sheriff Hounshell said the ACSO radio transmissions were poor and he could not tell what was going on between the UC vehicle and Cooper's vehicle.

Sheriff Hounshell said Sergeant Brown drove the Tac Van up to the top of the hill. Once at the top of the hill, Sheriff Hounshell could see two vehicles to the north of his location.

Sheriff Hounshell saw one of the vehicles headed directly toward the Tac Van. Sergeant Brown activated the emergency lighting (red and blue) on the Tac Van and moved into position to stop the approaching vehicle. Sheriff Hounshell said the approaching vehicle (Coopers) slowed and then stopped directly in front of the Tac Van, offset slightly to the west.

Sheriff Hounshell exited the passenger's side of the Tac Van while Sergeant Brown exited the driver's side. Sheriff Hounshell looked over the hood of the Tac Van and clearly saw Cooper seated behind the steering wheel of the pick up truck.

Sheriff Hounshell took a position of cover behind the Tac Van, pointed a tactical rifle (Wilson, Combat, AR-15) at Cooper and began shouting, "Sheriffs Office. Put your hands where I can see them."

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Sheriff Hounshell said Cooper put his left hand and arm out the open driver's side window but he appeared angry. Sheriff Hounshell said Cooper appeared to comply with the verbal commands by putting his right hand out the driver's side window but quickly Cooper drew his right hand back into the vehicle.

Sheriff Hounshell saw Cooper turn the steering wheel to the right (west) and the pick up accelerated in an attempt to get past the Tac Van. Sheriff Hounshell continued to cover Cooper across the Tac Van hood until it was not safe because of Sergeant Brown's position.

At that point, Sheriff Hounshell took a position at the right rear of the Tac Van and covered Cooper's vehicle as it proceeded south toward the residence at a high rate of speed.

As Sheriff Hounshell was repositioning to the right rear of the Tac Van he heard a lot of noise and could not tell if Sergeant Brown had somehow been run over by Cooper's vehicle. Sheriff Hounshell saw Sergeant Brown a moment later running toward the Tac Van and could tell he had not been injured.

Sheriff Hounshell instructed Sergeant Brown to get into the Tac Van and turn it around. Sergeant Brown turned the Tac Van around and Sheriff Hounshell saw the UC vehicle headed toward his direction. Sheriff Hounshell also saw two SRT members running toward his location from the north.

Sheriff Hounshell chose to remain on foot and did not re-enter the Tac Van. Sheriff

Hounshell said Sergeant Brown started toward the Cooper residence in the Tac Van while

Commander Tafoya and Deputy Charles Brown approached his location on foot. Sheriff

Hounshell waived Commander Tafoya and Deputy Brown past his location.

At that point in the operation, Sheriff Hounshell observed the following;

- ◆ Cooper's vehicle nearing his residence

The UC vehicle following and closes' to Cooper's vehicle The Tac Van following the UC vehicle

Commander Tafoya and Deputy Brown following the Tac Van on foot Sheriff Hounshell proceeded south toward the Cooper residence but stopped as he approached the driveway intersection north of the residence.

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Sheriff Hounshell was at the dirt driveway intersection a short time when he heard gun shots coming from the area of the Cooper residence. Sheriff Hounshell thought the shots came from two different caliber weapons. Sheriff Hounshell thought the first shots he heard were probably fired from a hand gun.

After the shooting, Sheriff Hounshell proceeded to an area near the Cooper residence and met with Commander Tafoya. Shortly after arriving at the residence, Sheriff Hounshell learned Deputy Martinez had been shot.

Sheriff Hounshell, assisted by Commander Tafoya, began to initiate incident scene command. Sheriff Hounshell said medical personnel were requested and they arrived within minutes to assist Deputy Martinez. A few minutes later, roles reversed and Sheriff Hounshell assisted Commander Tafoya.

Sheriff Hounshell said someone handed him Deputy Martinez' rifle. Sheriff Hounshell noticed the rifle appeared to be loaded and the safety was in the off position. Sheriff Hounshell maintained custody of Deputy Martinez' rifle until Deputy Martinez was taken from the scene in the ambulance. Sheriff Hounshell placed the rifle on a abandoned vehicle or box in Cooper's front yard and assigned an ACSO deputy to maintain visual control of the rifle.

Sheriff Hounshell confirmed the weapon belonged to Deputy Martinez. Sheriff Hounshell put the safety in the "on" position and instructed Deputy Wood to secure the rifle in the front seat of the Tac Van. (Interview Section: III. 13)

Sheriff Hounshell remained at the scene and assisted his deputies as needed before removing his personnel from the scene. It was at that time Sheriff Hounshell formally requested the DPS/SIU respond and conduct the criminal investigation.

Sheriff Hounshell said based on Cooper's alleged prior actions and current intelligence information, it was clear Cooper would pose a high level threat to his deputies during any attempt to take him into custody.

Sergeant Clifford Thorn Interview Summary

Involvement - Surveillance Team, heard Commander Womack engage Cooper in conversation, heard deputies shout verbal! commands at Cooper, heard gun shots

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Sergeant Thorn and Deputy Eagar assumed their surveillance position. The surveillance was conducted from approximately one hundred yards southeast of the front of the Cooper's residence. Sergeant Thorn and Deputy Eagar were only in position approximately ten minutes before the arrival of the other SRT members and the beginning of the operation. The UC vehicle parked on a nearby ridge. That location was not on Cooper's property.

Approximately ten to fifteen minutes after the arrival of the UC vehicle, Sergeant Thorn observed a light come on within the Cooper residence. Shortly thereafter, a subject believed to be Cooper exited the residence and entered a pickup truck. Sergeant Thorn observed the vehicle leave the residence and travel to the location of the UC vehicle. The suspect vehicle stopped approximately 40 feet behind the UC vehicle.

Sergeant Thorn heard two voices engage in a discussion. Sergeant Thorn recognized one of the voices as that of Commander Womack . Sergeant Thorn was unable to identify the other voice.

Sergeant Thorn could not hear the content of the conversation. After several moments the conversation stopped. The suspect vehicle began to return to the residence.

Sergeant Thorn advised other officers that the suspect's vehicle was moving. A SRT vehicle occupied by, Sheriff Hounshell, Sergeant Steve Brown, Deputy Chris Oaks and John Poe approached and attempted a stop of the suspect vehicle. The SRT van had its emergency lights in operation.

Sergeant Thorn saw the suspect vehicle stopped on the roadway facing west. The SRT vehicle pulled into a position on the left side of the suspect vehicle facing east.

Sergeant Thorn heard someone saying, " Sheriff's Office. Sheriffs Office. Get your hands up. Let me see your hands. Let me see your hands. Let me see your hands!" About 15 seconds later, the suspect vehicle backed up, drove around the SRT vehicle and proceeded quickly toward the residence.

The UC and SRT vehicle followed the suspect vehicle to the front of the residence.

The suspect stopped his vehicle in front of the residence. The suspect exited his vehicle and began moving toward the front door. SRT members exited the UC vehicle and also began to move toward the front door.



The placement of the suspect vehicle and the UC vehicle blocked Sergeant Thorn's view of the front of the residence. Sergeant Thorn was not able to see the specific actions of the officers or the suspect after they exited their vehicles. His position and the limited light allowed Sergeant Thorn to intermittently see the movement of officers at the scene.

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Sergeant Thorn heard an undetermined number of shots being fired. He described two series of gunshots. The first series contained one or two gunshots. That series was quickly followed by another series of multiple shots. Sergeant Thorn was not able to determine the number of shots in this second series. He did recalled the first series of shots did have a different sound than that of the subsequent series.

Sergeant Thorn and Deputy Eagar remained at the surveillance location for approximately 45 minutes. Sergeant Thorn and Deputy Eagar continued to monitor the scene and provide security for the south side of the ridge.

#### Deputy Matrese Avila Interview Summary

- Involvement - UC vehicle, right front passenger, encountered Cooper, heard deputies shout verbal commands at Cooper, saw Cooper fire a hand gun at Deputy Marinez followed by Deputy Goldsmith firing his weapon at Cooper

Deputy Avila said they arrived at the top of the hill near Cooper's residence at approximately midnight. Deputy Avila said Commander Womack unloaded some firewood from the bed of the pickup truck. Deputy Avila exited the pickup truck and left the passenger door open to allow Deputy Padilla room to exit the pickup truck if needed. Deputy Avila said Cooper was known to have a vicious Rottweiler. Deputy Avila said Deputy Padilla was assigned to dispatch the dog if became a safety issue.

Deputy Avila said she and Commander Womack were standing at the front of the pick-up truck deciding if they were going to start a fire. Deputy Avila said approximately 10 minutes later, she



heard Cooper's pickup truck engine start and observed the headlights turn on. Deputy Avila moved behind the hood on the passenger side, near the door, while Commander Womack moved into a clearing on the drivers side of the pickup truck. Deputy Avila said Cooper started to drive toward Commander Womack when she thought Cooper noticed her because he positioned the headlights of the pick-up truck on both of them.

Deputy Avila said Cooper drove up to Commander Womack and started yelling at him to get off the property. Deputy Avila said Commander Womack asked Cooper if the property belonged to Cooper. Cooper told Commander Womack. "No", but continued to tell them to leave the property and that they did not belong there. Deputy Avila said Commander Womack told Cooper," We wanted to build a fire and talk." Deputy Avila said Cooper began to scream at them and ask if he needed to "call the cops." Deputy Avila said Commander Womack was trying to lure Cooper out of his vehicle but he never did. Deputy Avila said Cooper told them. "I'm going to give you ten minutes to be off this property or the cops are going to be here."

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Deputy Avila said when Cooper started to back up, the SRT vehicle started to drive forward. Deputy Avila said Commander Womack yelled for her to get in the vehicle. She got into the cab of the pickup truck and Deputy Padilla jumped in the bed. Deputy Avila said they were going to box Cooper's vehicle in, but he was able to maneuver around the SRT vehicle.

Deputy Avila said they followed Cooper to the residence. Deputy Avila said it seemed as if they were still moving when the SRT officers were jumping out of the pick-up truck after Cooper. Deputy Avila said Cooper exited his pickup truck and moved quickly toward the front door of the residence. Deputy Avila said the deputies yelled at Cooper, "Sheriff's Office, freeze. Sheriff's Office, stop." Deputy Avila said as the deputies began to surround Cooper, Cooper briefly paused and angled himself toward the right, away from the front door.

Deputy Avila said Cooper discharged a pistol very quickly at least three times without saying a word at Deputy Martinez. Deputy Avila said she did not see the pistol but could see the muzzle flash. Deputy Avila said it was so dark, she did not see Deputy Martinez fall down. Deputy Avila said she did not know how far Deputy Martinez was standing from Cooper at the time of the shooting but believed Deputy Martinez was standing the closest to Cooper.

Deputy Avila said about the same time Cooper fired his last round, Deputy Goldsmith began to return fire as he approached Cooper from the rear. Deputy Avila believed she observed more than five muzzle flashes come from Deputy Goldsmith's weapon. Deputy Avila did not know who or how many other deputies were in the immediate area at the time of the shooting due to the darkness. Deputy Avila said at the time of the shooting, she was approximately 20 to 25 feet away and did not have any visual obstructions other than darkness. Deputy Avila said after the shooting, she heard deputies yelling, "Officer down." Deputy Avila said after the other deputies approached Deputy Martinez, she walked over to where Deputy Martinez was lying on the ground. Deputy Avila said the paramedics were on-scene within approximately three minutes of the shooting.



Deputy Avila said she was told by Commander Tafoya after the paramedics were on-scene that Cooper was "10-7" (out-of-service) and directed her to note the time, 0020 hours. Deputy Avila believed Cooper was lying on his side but did not remember any additional details because she was focused on Deputy Martinez.

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Deputy Charles Brown Interview Summary

Involvement - UC vehicle, truck bed, heard Commander Womack engage Cooper in conversation, heard deputies shout verbal commands at Cooper, saw muzzle flashes, heard gun shots

Deputy Brown said he attended a briefing at the substation. Deputy Brown said several scenarios were talked about and drawn on a board. Deputy Brown was assigned to ride in the bed of an undercover pickup along with three other officers. He and the other three officers were to be the arrest team. Deputy Brown said there were two undercover officers in the front of the pickup along with another officer who was lying on the floorboard.

Deputy Brown said he was assigned to carry a long gun (his issued M4). Deputy Brown said he was to cover the other officers as they arrested Cooper when he approached the undercover pickup.

Deputy Brown said Deputies Goldsmith, Marinez and Commander Tafoya were with him in the bed of the pickup.

Deputy Brown said they drove to the top of the hill, north of Cooper's property in an attempt to effect the arrest. Deputy Brown said there were surveillance officers positioned to monitor Cooper's house and let the arrest team know when Cooper was heading their way. Deputy Brown said he received the updates from the surveillance officers through his portable radio and ear microphone.

Deputy Brown said Commander Womack also updated the arrest team. Deputy Brown said Commander Womack told the team when the lights on Cooper's house came on and when a pickup drove away from Cooper's residence and approached him. Deputy Brown said he heard Cooper's vehicle approach.

Deputy Brown said a man's voice (later identified as Cooper) yelled at Commander Womack from Cooper's pickup. Cooper told Commander Womack he had no right to be there. Deputy Brown said Commander Womack asked Cooper if it was his property and Cooper said it wasn't. Deputy Brown said Cooper yelled at Commander Womack telling him it was not his property either, so he

needed to leave. Deputy Brown said the conversation between Cooper and Commander Womack went on for several minutes. Deputy Brown said Cooper told Commander Womack he had ten minutes to leave or he was going to call the cops.

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Deputy Brown said the arrest signal was not given and he heard Cooper's pickup begin to leave. Deputy Brown said either Commander Womack or the surveillance officers notified the arrest team that Cooper's pickup was returning to the house.

Deputy Brown said Commander Tafoya radioed for deputies in the SRT truck to intercept Cooper's pickup and not to allow it to return to the house. The SRT truck was positioned down the hill from Cooper's residence.

After the pickup started to leave, Deputy Brown said he sat up and saw the pickup leaving.

Deputy Brown saw the overhead emergency lights activated on the SRT truck as it came up the hill toward Cooper's pickup. Deputy Brown said Cooper's pickup stopped as the SRT truck drove toward it. Deputy Brown jumped out of the undercover pickup and ran toward Cooper's pickup along with Commander Tafoya.

Deputy Brown said the SRT truck and Cooper's pickup stopped very close to each other. The SRT truck faced north and Cooper's pickup faced south. Deputy Brown heard orders being yelled to the driver of the pickup by deputies in the SRT truck. Deputy Brown said the driver side door of the SRT truck was open.

Deputy Brown said he ran a little to the east to avoid a cross fire situation with the deputies in the SRT truck.

Deputy Brown said the pickup accelerated and drove around the SRT truck. Deputy Brown saw Sergeant Brown hanging partially inside the driver's side window of the pickup as it sped away. Sergeant Brown fell from the pickup and Deputy Brown thought Sergeant Brown had been run over.

Deputy Brown said Cooper's pickup continued toward the residence, so he continued to follow it. Deputy Brown said Commander Womack passed him driving the undercover pickup. Deputy Brown saw two deputies in the back of the undercover pickup.

Deputy Brown said Cooper's pickup stopped directly in front of the residence. Commander Womack stopped the undercover pickup behind Cooper's pickup. Deputy Brown said he heard deputies yelling "Sheriff's Office" several times.

Deputy Brown said he saw Cooper running in front of his pickup toward his house and a deputy running behind him. Deputy Brown said Cooper was not running real fast. As Deputy Brown approached the undercover pickup he said he saw several muzzle flashes from the front porch area of Cooper's residence where Cooper had just ran. Deputy Brown did not know how many muzzles flashes he saw.

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Deputy Brown said he saw several other muzzle flashes and heard a total of approximately 10 shots. Deputy Brown said the shots were fired very close to one another. Deputy Brown said he was not close enough to see a gun on Cooper's person.

Deputy Brown said he kept moving toward the area of the gun shots. Deputy Brown said as he arrived in the area of the muzzle flashes, he saw Commander Womack and Deputy Goldsmith pointing their guns toward a subject which was lying on the ground and later identified as Cooper.

Deputy Brown said he looked to the right of Cooper and saw Deputy Martinez lying on his right side. Deputy Brown said he knelt down in front of Martinez to protect him from any further gun shots from inside the residence or from Cooper.

Deputy Brown asked Deputy Martinez where he was hit. Deputy Martinez was unable to speak. Deputy Brown said several other deputies were immediately at the scene and were attending to Deputy Martinez. Brown said he cut Deputy Martinez' right shirt sleeve so the emergency medical technicians (EMT's) could administer an IV to him.

Crime Scene (96 North Clearview Circle, Eagar, Arizona)

The crime scene was secured by uniformed officers and was delineated by yellow police crime scene tape. The crime scene was situated on the top of a hill and included Cooper's residence.

Cooper's residence is described as a two story home, facing east.

On November 6, 2001 at approximately 1250 hours, Sergeant Chung and SIU Detectives Wood, Martinez, Keeling, Bottoms and Allen entered the crime scene at the driveway junction, north of Cooper's residence. The SIU detectives were accompanied by Pinetop/Lakeside Crime Scene Investigator Bob Harkey. Investigator Harkey acted as the crime scene photographer.

After entering the crime scene, Detective Wood walked north to the area where the SRT vehicle and Cooper's vehicle stopped facing each other. Detective Wood observed several live rounds of ammunition in the driveway.

From that area, Detective Wood walked south in the driveway toward Cooper's residence. As Detective Wood neared Cooper's house he observed a number of vehicles on the driveway and in Cooper's yard. Detective Wood was met by two uniformed officers from the St. Johns Police Department who were maintaining an inner crime scene log.

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Detective Wood remained on the driveway and looked west toward Cooper's residence. Detective Wood saw Cooper laying on the ground near the front door. Cooper was on his left side with his head to the west and his feet to the east. Detective Wood saw Cooper's dog lying on the ground near the north end of the residence. Detective Wood did not collect any evidence at the crime scene.

While in the crime scene, near the Cooper residence, Detective Wood met Deputy Apache-County Attorney Michael Roca and Commander Womack.

Detective Wood, Commander Womack and Mr. Roca exited the crime scene through the entry point at 1329 hours.

After completing the crime scene walk through, Detective Wood returned to the ACSO facility in Round Valley to complete interviews with Sheriff Hounshell and Commander Tafoya.

On November 6, 2001 at approximately 1620 hours. Detective Wood departed the ACSO facility in Round Valley and returned to the crime scene. Detective Wood entered the crime for a second time through the same entry point, at approximately 1636 hours. Detective Wood walked directly to the area of the inner crime scene.

The scene was wet and muddy because of a recent rain storm and a light rain was falling as Detective Wood reached the crime scene. Detective Wood observed miniature orange cones and placards placed in the crime scene by SIU detectives to identify evidentiary items.

Detective Wood was informed four weapons and eighteen spent casings were seized during the crime scene investigation . The seized weapons and casings were described as follows;  
(Supportive Documents: V. 5 and SIU Evidence Recover/ Log)



- 1 - Colt, .45 caliber semi-automatic hand gun, belonging to Deputy Goldsmith
- 1 - Colt, .45 caliber, semi-automatic hand gun, belonging to Deputy Marinez
- 1 - Colt, .223 caliber, AR-15A3, assault rifle, belonging to Deputy Marinez ♦
- 1 - Smith and Wesson, .38 caliber, revolver belonging to Cooper
- 9 - Spent .45 caliber shell casings found in Cooper's front yard
- 1 - Spent .223 caliber shell casing found in Cooper's front yard
- 5 - Spent .38 caliber shell casings found in Cooper's hand gun
- 3 - Spent .22 caliber shell casings found in Cooper's front yard

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Detective Wood was informed Cooper had a trained attack dog (Rottweiler) on the property. The Rottweiler was determined to be a threat to the officers and was dispatched by Springerville Police Department, Animal Control Officer Dennis Gilliam, after the officer involved shooting occurred. Officer Gilliam used a Ruger, .22 caliber, Model 10-22 carbine, to dispatch the Rottweiler. (Investigation: II. 6)

While inside the crime scene, Detective Wood received seven rolls of 35mm film from Investigator Harkey. Detective Wood exited the crime scene, for the last time, at approximately 1729 hours.

#### Follow Up Investigation

On November 6, 2001 at approximately 1750 hours, Detectives Wood and Martinez returned to the ACSO facility in Round Valley.

On November 6, 2001 at approximately 1855 hours, Detective Wood took custody of Deputy Martinez's clothing from Deputy McQuay. Deputy McQuay recovered Deputy Martinez's clothing at the White Mountain Hospital in Springerville, Arizona. Detective Wood secured the evidence in his assigned vehicle. (Supportive Documents: V. 5)

Detectives Wood and Martinez departed the ACSO facility in Round Valley at approximately 2030 hours, en route to Phoenix, Arizona.

On November 6, 2001 at approximately 0110 hours. Detective Wood deposited Deputy Martinez's clothing in locker #34 at the DPS Property and Evidence Section in Phoenix, Arizona.

On November 7, 2001 at approximately 1000 hours. Detective Wood responded to the DPS Property and Evidence Section and retrieved Deputy Martinez's clothing from locker #34. Detective Wood packaged the evidence into boxes and delivered them to the DPS Evidence Custodian at approximately 1110 hours. (Supportive Documents: V. 5)



On November 7, 2001 at approximately 1500 hours. Detective Wood delivered the film he received from Investigator Harkey to the DPS Photography Laboratory in Phoenix, Arizona.

On November 26. 2001, Detective Wood retrieved a sealed package at the DPS Duty Office. The package contained supplemental reports from the ACSO and the Springerville Police Department. (Investigation: II. 4 and 6)

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On November 27, 2001 at approximately 1430 hours. Sergeant Chung and Detective Wood visited Deputy Marinez in his hospital room, at BNI. Detective Wood provided Deputy Marinez with a State of Arizona, Victims Rights Form and informed him he would not be interviewed. Deputy Marinez was in stable condition but was undergoing continual therapy for his injuries. (Supportive Documents: V. 7)

On December 5, 2001, Detective Wood received DPS Supplemental Reports and Photographic Logs from DPS Detectives Terry Johnson #2479 and Charles Serino Jr. #4731. Detectives Johnson and Serino attended the autopsy performed on Cooper. (Investigation: Supplemental Reports, II. 2)

Detective Johnson's supplemental report indicates there were six bullets recovered by the OME personnel, during Cooper's postmortem examination. The bullets were turned over to Detective Johnson at the end of the postmortem examination. Detective Johnson turned over all evidence received from the OME personnel to the DPS Evidence Custodian, at the DPS Property and Evidence Section in Tucson, Arizona. (Supportive Documents: V. 5)

On January 10, 2002, Detective Wood received a sealed package from the ACSO. Contained in the package were copies of the Pima County Medical Examiners (OME) Autopsy Report on William Milton Cooper, ACSO radio logs, OME fingerprint cards taken during the William Milton Cooper autopsy and a cassette tape copy of the ACSO radio communication on December 4, 2000. (Supportive Documents: V. 12 /V. 13)

On January 16, 2002, Detective Wood reviewed the OME Autopsy Report prepared by Eric D. Peters, M.D., Forensic Pathologist, and extracted the following information:

William Milton Cooper suffered nine gun shot wounds;

Five gunshot wounds to Cooper's torso.



One gunshot wound to Cooper's head.

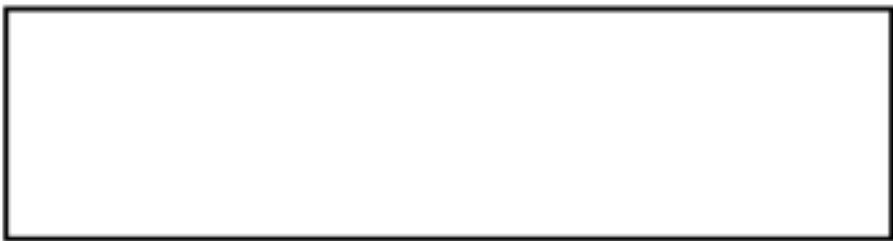
One gunshot wound to Cooper's right lower extremity.

Two gunshot wounds to Cooper's right upper extremity.

The death of William Milton Cooper was due to gunshot wounds to the torso with perforations of the heart. A gunshot wound to the head with skull fracture is contributory.

The manner of death is certified as a homicide.

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On March 21, 2002, Detective Wood received a Scientific Examination Report from DPS Supervising Criminalist Bill Morris. (Supportive Documents: V. 14)

A review of Criminalist Morris's report revealed the following:

Item JB1 - (1) Colt Model 1911A1, Pistol, seized from ACSO Deputy Joseph Goldsmith, fired evidence items RK10-18 (fired Federal 45 Auto cartridge cases), 14JTJ 1-6 (fired bullets) and RK23 (fired copper jacketed bullet). Item RK8 - (1) Colt AR15A3, Carbine, seized from ACSO Deputy Rob Martinez exhibits similar class characteristics to, and was identified as having made the extractor mark found on evidence item RK9 (fired Federal .223 Remington cartridge case). Item RK9's lack of individual characteristics precludes a specific identification or exclusion of its having fired in Item RK8. Items JB1 (.45 Colt Auto pistol), RK26 (.45 Colt Auto pistol) and RK8 (Colt AR15A3 carbine) were all test fired and all functioned normally and safely. Items JA2 (metal fragment) and RK5 (lead bullet core fragment) are consistent with being fragments of lead bullet cores. Their caliber could not be determined.

This ends the DPS/SIU investigation to date, April 4, 2002.

Note: Refer to supplemental reports for specific details of investigative efforts assigned to detectives/officers.





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